

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of Section 63.71 Application of

Affiniti, LLC and Affiniti PA, LLC for
Authority Pursuant to Section 214 of the
Communications Act to Discontinue its
Wireline Telecommunications Services

WC Docket No. 19-151
Comp. Pol. File No. 1538

FURTHER REPLY COMMENTS OF AFFINITI

Affiniti LLC and Affiniti PA, LLC (“Affiniti”) hereby respond to the *ex parte* comments filed in the above-captioned docket and file number by ARIN Intermediate United 28 (“ARIN IU 28”),¹ and supplements the record with additional information that may be helpful to the Commission in processing its application.

As noted in its earlier reply comments, the service provided to ARIN IU 28 is Internet access, which is an unregulated information service not subject to the discontinuance procedures of 47 CFR 63.71.² ARIN IU 28 appears to acknowledge this in its *ex parte* comments. Specifically, in its comments it states:³

Affiniti also contends that their provision of *Internet access service* to us is outside the scope of their Section 63.71 application since Internet is an unregulated service. Nonetheless, the Commission should compel Affiniti to continue providing *broadband transport* service to us.

¹ *Ex Parte* Submission – Section 63.71 Application of Affiniti, LLC and Affiniti PA, LLC for Authority Pursuant to Section 214 of the Communications Act to Discontinue Wireline Telecommunications Services, WC Docket No. 19-151, Comp. Pol. File No. 1538 (filed June 28, 2019) (“ARIN *Ex Parte* Comments”). ARIN IU 28 is the only party to have filed comments on Affiniti’s discontinuance application. *In Re Section 63.71 Application of Affinit, LLC and Affiniti PA, LLC for Authority Pursuant to Section 214 of the Communications Act to discontinue its Wireline Telecommunications Services*, Section 63.71, WC Docket No. 19-151, Comp. Pol. File No. 1538 (filed May 22, 2019) (“Affiniti Application”).

² Reply Comments of Affiniti, WC Docket No. 19-151, Comp. Pol. File No. 1538 (filed June 25, 2019) at n.2.

³ ARIN *Ex Parte* Comments at 1 (emphasis added).

Thus, ARIN IU 28 is not contesting that what Affiniti has provided to it is an information service, and therefore outside the scope of this discontinuance proceeding. Instead, it argues that the Commission should compel Affiniti to provide a service of a different sort—a bare transport service over which ARIN IU 28 could then somehow obtain the information service from some third party. Put another way, ARIN IU 28 does not have a contract with Affiniti for the provision of any telecommunications services but is arguing that the Commission impose a duty to provide such service due to its frustrations with its current service provider. This is not something that contemplated in any Commission rules or orders.

Nor is this something that is within Affiniti's ability to do, for several reasons. First, the service provided to ARIN IU 28 is a resold Internet access service, not bare transport. Affiniti purchased a fully-integrated Internet access service from a third party, which it then resold to ARIN IU 28. Affiniti does not have a contract from this vendor (or any other vendor where ARIN IU 28 is located) for bare transport service. Affiniti cannot provide what it does not have.

Second, Affiniti is seeking to discontinue its services because it is in dire financial straits. The third party vendor has informed Affiniti that it intends to shut down all services this Sunday, June 30, 2019 due to a lack of funds to pay the vendor on an on-going basis. ARIN IU 28 is asking the Commission to squeeze blood out of a stone.

Affiniti gave ARIN IU 28 plenty of advance notice of the fact that it would need to seek alternative services—several months, in fact. And more than three months ago, ARIN IU 28 selected another provider through a competitive bidding process. It is now dissatisfied with the deployment of services from its new service provider, and the service speeds for the interim solutions it has found. While Affiniti is empathetic, it has done all it can to assist ARIN IU 28

but in the end, Affiniti has exhausted its resources and has no duty to resolve what is ultimately a contractual dispute between ARIN IU 28 and its new service provider.

WHEREFORE, Affiniti, LLC and Affiniti PA, LLC respectfully request that the Commission continue to process Affiniti's Application pursuant to its streamlined procedures, and that it permit Affiniti to discontinue the Discontinued Wireline Services on June 30, 2019.

Respectfully submitted:



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